

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MARTIN LEE FOSTER,

Plaintiff,

v.

PEOPLE OF THE STATE OF
CALIFORNIA,

Defendant.

No. 2:21-cv-01212-TLN-JDP

ORDER

Plaintiff, proceeding *pro se*, has filed this civil rights action seeking relief under 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On July 19, 2022, the magistrate judge filed findings and recommendations herein which were served on Plaintiff and which contained notice to Plaintiff that any objections to the findings and recommendations were to be filed within fourteen days. (ECF No. 13.) Plaintiff has not filed objections to the findings and recommendations.

The Court presumes that any findings of fact are correct. *See Orand v. United States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) (“[D]eterminations of law by the magistrate judge are reviewed de novo by both the district court and [the appellate] court . . .”).

1 Having reviewed the file, the Court finds the findings and recommendations to be supported by
2 the record and by the proper analysis.

3 Accordingly, IT IS HEREBY ORDERED that:

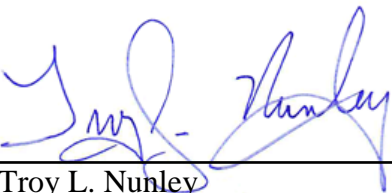
4 1. The Findings and Recommendations filed July 19, 2022 (ECF No. 13), are ADOPTED
5 in full;

6 2. Plaintiff's First Amended Complaint (ECF No. 12) is DISMISSED without leave to
7 amend for failure to state a claim; and

8 3. The Clerk of Court is directed to close this case.

9 **DATED: September 19, 2022**

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Troy L. Nunley
United States District Judge